

TOWNSHIP OF WALL

ORDINANCE NO. 18-2022

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE  
TOWNSHIP OF WALL BY AMENDING CHAPTER 33, ENTITLED  
"PERSONNEL POLICIES", ARTICLE 6 ABSENCES AND ARTICLE 7  
SEPARATION OF EMPLOYEES

WHEREAS, the Township of Wall (the "Township") has previously adopted Chapter 33, Articles 6 and Article 7 of the Code of the Township of Wall establishing and governing rules on absences and separation of employees; and

WHEREAS, it is the policy of the Township of Wall to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Governing Body has determined that there is a need to amend Article 6 and Article 7 of Chapter 33 to ensure that employees and prospective employees continue to be treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Township of Wall that Chapter 33 "Personnel Policies", Articles 6 and 7 of the Township Code of the Township of Wall entitled, "Absences" and "Separation of Employees" is hereby amended as follows (additions underscored and italicized, deletions ~~struck through~~):

§ 33-6 Absences.

The following regulations pertaining to absences from duty of employees are hereby established:

- A. Recording absences. Absences from duty shall be classified as "sick leave," "vacation leave," "personal leave," "bereavement leave," "leave without pay," or "other" and are to be so noted on the daily time reports. The reason for each absence listed on the time report as "other" will be noted thereon, with a statement as to whether or not the absence was approved by the department head. All absences for any reason are to be recorded and filed with the Personnel Coordinator.
- B. Notification of absence. Each employee must notify his immediate superior or department head of any absence from duty. If not possible to do so in advance of the working day, the report shall be made by telephone or otherwise, as early as possible on the day the employee is absent. If unable to contact his immediate supervisor or department head, the employee shall notify the Township Administrator. Employees on prolonged sick leave shall contact their supervisor weekly with updates of their condition.
- C. Leaves of absence. Leave of absence without pay may be requested by an employee, who shall submit in writing all facts bearing on the request, to his department head, who will append his recommendation, and forward the request to the Township Administrator for consideration by the Township Committee. Each case will be considered on its merits, and without establishing a precedent.
- D. Annual vacation. Annual vacation with pay is credited from date of employment and is authorized on the following basis: **[Amended 5-22-2013 by Ord. No. 13-2013; 12-28-2016 by Ord. No. 17-2016]**
  - (1) No employee shall be entitled to any vacation time prior to the first anniversary of his date of employment unless authorized by resolution at the

time of hire by the Township Committee upon the recommendation of the Township Administrator as a result of negotiations during the recruitment/hiring process of professional staff to fill a vacancy.

- (2) Effective January 1, 2017, new employees will be awarded vacation time on January 1 of the subsequent year after the date of hire. An employee hired between January 1 and July 1 shall receive 10 vacation days the subsequent January 1. An employee hired between July 2 and December 31 shall receive five vacation days the subsequent January 1 and another five vacation days July 1. They shall receive 10 vacation days every January 1 thereafter. Upon separation, all vacation time for that current year will be prorated.
- (3) During the calendar year in which time the fifth anniversary of his employment occurs, and thereafter, each employee shall be entitled to take 15 working days' vacation.
- (4) During the calendar year in which the 10th anniversary of his employment occurs, and thereafter, each employee shall be entitled to take 20 working days' vacation.
- (5) During the calendar year in which the 15th anniversary of his employment occurs, and thereafter, each employee hired before January 1, 1991, shall be entitled to take 25 working days' vacation.
- (6) During the calendar year in which the 20th anniversary date of his employment occurs, and thereafter, each employee hired before January 1, 1991, shall be entitled to take 30 working days' vacation.
- (7) Any employee hired during the month of December in any year shall be considered as being hired on the following January 1 for the purpose of computing vacation time. Except as indicated in Subsections **A** and **B** above, all vacation time may be scheduled during any part of the calendar year, subject to the needs of service in the discretion of the department head and on the basis of seniority.
- (8) Each employee must take his authorized annual vacation during each calendar year and shall not be permitted to accumulate the same from year to year, except that ~~the Township Administrator, in his discretion, may permit the carry over of vacation time~~ an employee who does not take vacation leave that accrues in a given year because of business demands shall be granted that accrued leave only during into the first month of the following year. The Township Administrator will determine if business demands prevented an employee from taking vacation leave in a given year. Compensation in lieu of unused vacation time will not be allowed. Each employee shall submit a written request to the department head and each department head shall submit a written request to the Township Administrator for approval of the specific dates for the employee's annual vacation. Effective January 1, 2017, employees may carry over five vacation days to the subsequent year only if the employee was unable to take vacation leave that accrues in a given year because of business demands. The Township Administrator will determine if business demands prevented an employee from taking vacation leave in a given year. However, upon separation from Township employment, there will be no compensation made for any days carried from the prior year that remain unused.
- (9) Prepayment of vacation pay may be made to employees during the week preceding vacation, provided that a written request therefor, signed by the department head, is received by the Personnel Department at least three weeks prior to the date the check is to be issued.



- (10) When an employee leaves the Township's employ and subsequently is reemployed, the date of reemployment is to be used as the employee's anniversary date with the Township for purposes of entitlement to vacation time.
- (11) When an employee is absent for any reason, except annual vacation or authorized personal days, for a period in excess of 20 consecutive working days, the amount of annual vacation days and personal and sick days earned by the employee during the year or years in which the absence occurs shall be reduced pro rata on the basis of the relationship between the number of working days the employee is absent to the number of working days in the year.
- (12) When an employee is absent, for any reason, in excess of six consecutive months, the employee's Township employment may be terminated by the Township Committee and, in such event, all benefits and other entitlements of Township employment shall cease.

E. Holidays.

- (1) The official holidays for all Township employees, ~~except Police Department personnel~~, shall be:

New Year's Day

Birthday of Martin Luther King Jr.

Presidents' Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

The day after Thanksgiving Day

Christmas Day

One additional holiday to coincide with each individual employee's birthday

- (2) Employees regularly scheduled to work on a holiday shall receive additional compensation at their straight time rate for the work period. When an official holiday occurs during an employee's vacation the employee is entitled to an additional day of vacation. When a holiday falls on a Saturday, the prior Friday shall be observed. When a holiday falls on a Sunday, the succeeding Monday shall be observed.

F. Sick leave. **[Amended 5-12-2004 by Ord. No. 8-2004; 3-26-2014 by Ord. No. 4-2014; 12-28-2016 by Ord. No. 17-2016]**

- (1) Accumulation of sick leave.

- (a) Sick leave with pay shall be credited ~~to~~ each permanent full-time employee on the basis of one ~~(1)~~ day per month of continuous service, ~~for a total of twelve (12) days per year.~~ with no maximum limit, and commencing from January 1, 1969, or date of employment, whichever is later.
- ~~(b) All permanent full-time employees hired prior to May 21, 2010, with the exception of those covered by subsection (c). Upon separation in good standing from service, each permanent full-time employee shall be entitled to 1/2 day's pay, at the rate of pay in effect at the time of separation, for each full day of unused accumulated sick leave up to a maximum of 120 days' accumulated sick leave; provided, however, that the monetary compensation to be paid for unused accumulated sick leave shall not exceed \$7,500 per employee. The accumulation of sick leave shall be subject to the provisions of Subsection D(11) hereof. For all employees hired after January 1, 2017, the maximum compensation paid for unused sick days utilizing the above formula shall be \$5,000.~~
- ~~(b) The provisions of Subsection F(1)(a) above limiting the number of days of sick leave which may be accumulated and limiting the monetary compensation therefor shall not apply to employees hired prior to January 1, 1980. Each permanent, full-time employee hired prior to January 1, 1980, shall be entitled, at the time of separation, to receive 1/2 day's pay, at the rate of pay in effect at the time of separation, for each day of unused, accumulated sick leave which the employee has accumulated as of November 1, 1990, up to a maximum of 250 days' accumulated sick leave. Such employees shall not be entitled to accumulate sick leave after November 1, 1990.~~
- ~~(c) In accordance with N.J.S.A. 40A:9-10.2, effective June 8, 2007 a high ranking employee in a position which is appointed by an elected public official with consent of the governing body will have unused sick time payout capped at \$7,500. This compensation shall be payable only at the time of retirement.~~
- ~~(d) In accordance with N.J.S.A. 40A:9-10.4, any employee hired after May 21, 2010 will have unused sick time payout capped at \$7,500. This compensation shall only be taken at the time of retirement. Employees will not be eligible for compensation for accrued unused sick leave in the event of separation or death.~~
- ~~(e) For all employees hired after January 1, 2017, the maximum compensation paid for unused sick days shall be \$5,000. This compensation shall be payable only at the time of retirement. Employees will not be eligible for compensation for accrued unused sick leave in the event of separation or death.~~
- (2) In all cases of reported illness or disability, the Township reserves the right to have a physician designated by the Township to examine and report on the condition of the patient-employee to the department head and Township Committee.
- (3) When the absence on account of illness or disability does not exceed two days, normally the employee's statement of the cause will be accepted without a supporting statement from his attending physician, although the Township may have any employee examined by a licensed physician at any time if it elects to do so. The Township also reserves the right to waive this requirement or to require the employee to be examined by a physician designated by the Township and to have the employee certified as fit for duty before the employee returns to work.
- (4) During protracted periods of illness or disability, the Township may require interim reports on the condition of the patient, at weekly or biweekly periods,



from the attending physician and/or a physician designated by the Township. When under medical care, employees are expected to conform to the instruction of the attending physician if they wish to qualify for salary payment during such period of illness or disability. For the purposes of receiving disability insurance, this subsection shall be administered in accordance with § 33-12 of this chapter.

- (5) The Personnel Coordinator will receive ~~record cards~~ *updated attendance records* for each employee *in a format prescribed by the Township*, upon which he/she will record the total sick leave. All absences will be maintained ~~upon these cards~~ *in these records*, and all sick leave earned and consumed or used for each completed continuous service year will be shown on this record. Employees having exhausted all of their sick leave will not receive any further sick leave or compensation in lieu thereof until same has been accumulated and earned by the employee's subsequent service.
- (6) Where employees have left the Township's employ and subsequently are reemployed, the date of reemployment is to be used as employees' service date with the Township for purposes of crediting sick leave.
- (7) Sick leave may be allowed for ordinary dental care and for the service of an oculist for normal eye care when such professional services are not readily available outside of work hours.
- (8) An employee who is certified as absent on account of a disability or accident caused in the usual hours of his employment and directly in the line of duty shall not have such absence charged against his sick leave.
- (9) Any employee on sick leave, and receiving his normal compensation, who, in addition, qualifies for payments under workers' compensation weekly benefits, shall during the period he is receiving such weekly benefits be entitled only to that portion of his regular salary which, with the workers' compensation payments, equal his normal salary.
- (10) Nothing contained herein shall be considered to be in derogation of or restrictive of any statute now in effect limiting the period during which Township employees may be compensated for leave on account of disability or of illness (such as N.J.S.A. 40:11-8 and 40:11-9, pertaining to the Police Department) but these provisions are to be construed and administered in conjunction therewith.
- (11) Any employee *hired prior to May 21, 2010*, who has completed at least 21 years of full-time employment with the Township and has filed a written letter of resignation or retirement with the Township Clerk which is to be effective in the second or third calendar year subsequent to when it was filed may file an election to have accumulated sick leave paid to the employee before separation under the following circumstances *(high ranking employees as defined in N.J.S.A. 40A:9-10.2 shall not be eligible for this provision)*:
  - (a) The election must be filed by December 1 of the calendar year preceding the first year within which payment is sought.
  - (b) The election must state whether payment is to occur over two or three years. Payment shall be made in equal payments.
  - (c) The value of a sick day will be calculated for the year in which the payment is made.
  - (d) In order to receive a payment in any year, the employee's employment must

be and remain in good standing.

- (e) The election may be made only once by any employee. If the employee does not retire as stated in the notice of election, those days for which the employee has already been paid shall be permanently subtracted from his or her sick leave entitlement.
- (f) The election of payment is irrevocable. In the case of death of an employee before the full payment provided for in the election, the remaining sums will be paid to the employee's estate.
- (g) As part of the election, and if the employee so indicates, in writing, at the time of the election, the amounts to be paid hereunder may be paid to the employee's deferred compensation account, to the extent provided by law.
- G. Family leave. In the case of an employee with a newly born or adopted child or a seriously ill family member, family leave may be granted pursuant to the provisions of the Family Leave Act, N.J.S.A. 34:11B-1 et seq. ~~Maternity leave without pay may also be granted to Township employees during a term of pregnancy, subject to the approval of the Township Committee.~~
- H. Jury duty. It is the public policy of this Township to encourage Township employees to perform all their duties and responsibilities of citizenship and accordingly if any Township employee is legally selected for jury duty, every effort shall be made to enable such employee to serve as juror. To that end the department heads of the Township government shall use every reasonable endeavor to aid the employee in performing jury duty. Each employee shall be paid for time served as juror in such amount as will compensate the employee for any loss sustained by the employee, being the difference between the amount of salary and jurors compensation for the days required in service as juror.
- I. Bereavement. In the event of a death in the immediate family of an employee (spouse, children, parents, brothers, sisters, grandparents, spouse's parents, or grandparents of spouse), the Township will grant a three-day leave of absence with pay to the employee. In the event of a death of any other relative, the Township will grant a one-day leave of absence with pay to the employee. If additional time is necessary in order to manage the affairs related to this death, the employee may utilize additional benefit time (i.e., sick, vacation, personal), up to a maximum of five days, with an explanation to be submitted to their respective department head. **[Amended 12-28-2016 by Ord. No. 17-2016]**
- J. Personal days. All Township employees, not covered by a collective bargaining agreement, shall be entitled to take up to four days off per year with pay so as to conduct those personal matters which can only be conducted on regular business days. The election of days to be taken shall be subject to advance approval by the employee's department head. Personal days shall not be accumulated from year to year.
- K. Military leave. **[Amended 3-9-2005 by Ord. No. 6-2005; 9-14-2005 by Ord. No. 26-2005]**
- (1) Policy. It is the policy of the Township to prevent, to the extent practical, economic disruption to those employees who serve in the reserves of any component of the military service of the United States, or in the National Guard, who are called, as a result of such service, to a period of federal or state active duty.



- (2) "Activated reservist" or "militia member" defined. As used in this section, "activated reservist" or "militia member" means any individual currently serving in the reserves of any branch of the United States Armed Services or in the organized State Militia consisting of the Air and Army National Guard, Naval Militia, and State Guard of New Jersey, or of any other state, who receives, pursuant to that service, orders to be engaged in a period of federal or state active duty.
- (3) "Active duty" definitions.
  - (a) "Federal active duty," as used in this section, means active duty and active duty for training as defined by state law, and, as ordered by the federal government, but does not include weekend drills.
  - (b) "State active duty," as used in this section, means active duty and active duty for training as defined by state law, and, as ordered by the state government, but does not include weekend drills.
- (4) Differential pay. Following exhaustion of any statutory entitlements to full Township pay, an activated reservist or militia member shall be entitled to differential pay as follows:
  - (a) Differential pay calculated. Upon presentation of the orders to federal active duty or state active duty of the activated reservist or militia member to the Township, the Township shall calculate the amount necessary to be added to that employee's military pay over the course of his entire activation which, when added to the military pay, will equal what the activated reservist or militia member would have received had he been paid at the municipal salary for that period. In determining that amount, the Township shall not include the amount of the military pay received by the employee during the period of statutory entitlement to both military and municipal pay in any and all calendar years that the entitlement arises.
  - (b) Differential pay procedure. Once the above amount is calculated, upon exhaustion of the period provided by statute for both municipal and military pay, the Township shall pay to the activated reservist or militia member the differential pay amount evenly divided among the pay periods from the close of the statutory period until either the end of the calendar year or the end of the activation, whichever is earlier. If the payments end at the close of the calendar year, they shall resume again once the new entitlement to both municipal and military pay in the new calendar year under statute expires, and the activated reservist or militia member would otherwise be receiving only the military pay. If the activation is for a longer or shorter period of time than anticipated, appropriate adjustment shall be made at the close of the activation to ensure the activated reservist or militia member receives what he or she would have received if the activation had not occurred. Such adjustment shall be accomplished by further payments or withholdings in the case of overpayment.
- (5) The Chief Financial Officer shall apply for reimbursement for any amounts of military pay the Township must expend if the Township is eligible for same pursuant to N.J.S.A. 52:13H-2.1 or any other state or federal law or regulation.
- L. Medical leave. Whenever an employee is unable, due to a medical disability, certified in writing to the Township Administrator by a physician licensed to practice in the State of New Jersey, to perform all of the duties and responsibilities of his or her Township employment, the employee shall be eligible for medical leave without pay for a period not to exceed six months.

- M. Effect and length of unpaid leaves of absence. During an unpaid leave of absence, an employee will not accumulate any leave, vacation time or other entitlements dependent upon length of service. If the absence of an employee on medical leave exceeds six months or the absence of an employee on family leave exceeds three months, the employee's position with the Township shall be deemed to be vacant and the employee's service with the Township terminated.
- N. No accrual of benefits during leave. During the utilization of unused leave of any kind prior to an employee's separation from service, the employee shall not accumulate any leave, vacation time or other benefits or entitlements based upon length of service.

**§ 33-7 Separation of employees.**

The following regulations shall apply to the separation of employee-employer relations between employees of the Township and the Township as employer:

- A. Separation from the service of the Township may result from voluntary resignation of the employee, regular or disability retirement of the employee, the death of an employee, or the termination of the employee's services for cause by the Township Administrator. **[Amended 12-28-2016 by Ord. No. 17-2016]**
- B. Upon receipt of a written resignation from an employee received by the department head, with a copy to the Township Administrator, at least two weeks prior to the resignation date, the any employee hired prior to May 10, 2010, shall be entitled to receive his or her regular pay through date of termination, together with accumulated vacation leave and accumulated sick leave if the employee has been employed by the Township for a minimum of five years (high ranking employees as defined in N.J.S.A.40A:9-10.2 shall not be eligible for this provision). All unused time shall be prorated based on the employee's separation date. Any payment for accumulated sick leave in retirement shall be in accordance with §33-6 (F)(1). Any employee hired after May 10, 2010, or high ranking employee as defined by N.J.S.A. 40A:9-10.2, who resigns is not eligible for compensation for accrued sick leave. **[Amended 3-9-2005 by Ord. No. 6-2005; 12-28-2016 by Ord. No. 17-2016]**
- C. In the case of separation from Township service by reason of retirement, if written notice of the employee's intention to retire is received by the department head, with a copy to the Township Administrator, at least 30 days prior to the effective date of retirement, the employee shall be entitled to receive pay for accumulated vacation leave, longevity pay, and accumulated sick leave, subject to the applicable provisions of this article. All unused time shall be prorated based on the employee's separation date, Payment for accumulated sick leave in retirement shall be in accordance with §33-6 (F)(1). **[Amended 12-28-2016 by Ord. No. 17-2016]**
- D. In the case of the death of an employee hired prior to May 10, 2010, the employees surviving beneficiary shall be entitled to receive compensation for the employee's accumulated vacation, pro-rated longevity pay and accumulated sick leave without regard to the employee's length of service. Any employee hired after May 10, 2010, or high ranking employee as defined in N.J.S.A. 40A:9-10.2 is not eligible for payment for accumulated sick leave upon the death of the employee.
- E. In the case of an employee hired prior to May 10, 2010, who is terminated for cause, the Township reserves the right to deny the employee payment for



accumulated vacation or sick leave or longevity pay, subject to the determination of the Township Administrator. Any employee hired after May 10, 2010, or a high ranking employee as defined in N.J.S.A. 40A:9-10.2, that is terminated is not eligible for compensation for accrued sick leave.

- F. The amount of accumulated vacation leave to which an employee shall be entitled upon separation from service pursuant to Subsections **B, C, D** and **E** hereof. **[Amended 3-9-2005 by Ord. No. 6-2005]**
- G. An employee who resigns shall tender his resignation in writing, at least two weeks prior to the requested effective date of the resignation, in order to provide sufficient time for appointing a successor. If at least two weeks' prior notice is not given to the Township, the Township reserves the right to deny the payment of accumulated leave or other benefits to the employee. Any employee hired after May 10, 2010, or a high ranking employee as defined in N.J.S.A. 40A:9-10.2, who resigns, is not eligible for compensation for accrued sick leave.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and


**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

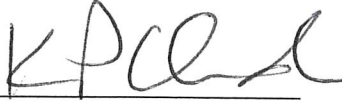
**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

**Introduced:** August 24, 2022

**Carried:** September 28, 2022

**Adopted:** October 26, 2022

Attest:   
Roberta Lang, RMC  
Township Clerk

Approve:   
Kevin P. Orender  
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 18-2022

**AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE  
TOWNSHIP OF WALL BY AMENDING CHAPTER 33, ENTITLED  
“PERSONNEL POLICIES”, ARTICLE 6 ABSENCES AND ARTICLE 7  
SEPARATION OF EMPLOYEES**

Adoption of this ordinance will amend Chapter 33, entitled “personnel policies”, Article 6 absences and Article 7 separation of employees.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on August 24, 2022, and was considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on September 28, 2022, at 7:00 p.m.

The ordinance was **carried and remains** on second reading at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, with the public hearing to take place on **October 26, 2022** or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk’s Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at [www.wallnj.com](http://www.wallnj.com).

**Roberta M. Lang, RMC  
Municipal Clerk**